

Office of Professional Accountability (OPA) Commendations & Complaints Report January 2005

Commendations:

Commendation Received in January: 45

Commendations Received to Date: 45

Rank	Summary
(1) Lieutenant (1) Officer (1) Civilian	Recent interactions and attention provided by a lieutenant, officer and a civilian has resulted in problems of prostitution, drugs, illegal car repair and garbage being reduced in a Seattle neighborhood. Thanks were received for the efforts.
(2) Detectives	Two detectives took time to discuss choices that are given during a lifetime and how it can affect lives and those around us. Valuable information was learned from the many years of their experience as police detectives and by their interaction.
(2) Officers	Two officers were thanked and commended for their well-written and thorough report. Their active involvement with public safety violations was greatly appreciated.
(1) Officer	An officer was commended on his professionalism and service during an investigation.
(1) Officer	An officer received praise for his assistance and compassion in helping a stranded citizen.
(1) Officer	As a direct result of the education received from an officer, community members were able to achieve their goals as well as assisting with the officers' responsibilities. The officer was commended for his professional courtesy while performing his job.
(2) Officers	A note of thanks was received for two officers for their dedication, professionalism and exceptional effort in helping a citizen retrieve personal belongings. The assistance was considered to be "above and beyond the call of duty".
(1) Lieutenant	A lieutenant was thanked for speaking to classes at a community meeting on the duties and responsibilities of a law enforcement officer. This enabled the students to have an understanding of the job as well as an accurate picture of the work performed.
(1) Lieutenant	A lieutenant was commended on his remarkable police intervention to help rehabilitate a "problem" house.
(1) Sergeant	A sergeant received several positive comments about how well a shooting incident and the preliminary investigation were handled.
(1) Officer	An officer noticed a glowing white wire atop a transformer. As a result of his alertness, the repair was completed in a timely fashion, thus avoiding severe traffic congestion and other enforcement issues.
(1) Officer	An officer was commended for his proactive approach to two incidents. Both incidents originated from routine "suspicious person" calls into further criminal activity. He showed professionalism, commitment and was considered to be a credit to the department.
(1) Officer	A citizen appreciated the professional and considerate treatment by an officer during a hit and run case. He was positive and courteous.
(2) Officers	Two officers were commended for their quick response and outstanding job in catching a burglar a short distance away from the incident. The arrest resulted in the return of a stolen purse.
(1) Officer	An officer was commended for his interaction with a citizen. The officer was professional, caring, polite and knowledgeable. The officer made the citizen feel safe and confident.

(1) Officer	A reported stolen vehicle equipped with a silent alarm was tracked and recovered within twenty minutes of activation. A note of thanks was received from the owner for the officers professional manner and attitude in taking her report and finding the vehicle.
(2) Officers	A big thanks was extended to two officers who through their presence facilitated changes and improvements to a Seattle neighborhood.
(1) Sergeant	A sergeant was commended for his exemplary performance of duty.
(1) Officer	A citizen thanked an officer for his kindness, assistance and professionalism. The officer went above and beyond the call of duty to help the citizen find his destination.
(1) Detective	The detective was extremely instrumental in assisting an out-of-state law enforcement agency with information concerning a possible serial rapist. The detective was commended for his efforts and professional courtesy.
(1) Detective	A note of thanks was received for a detectives valuable tips and ideas to make a home safer. His courteous nature and vast knowledge base were greatly appreciated.
(2) Officers	Two officers were commended on their excellent performance and testimony during a trial. They were very thorough and professional.
(1) Officer	As a result of an officer's involvement and suggestions, a hit & run incident was resolved to the satisfaction of both parties.
(1) Sergeant (5) Officers	A sergeant and multiple officers were commended on tracking of a burglary suspect. Their perseverance and teamwork paid off as the suspect was arrested and taken into custody without incident.
(1) Detective	A detective was thanked for his generous donation of time towards various programs on behalf of homeless youth and young adults during the holiday season.
(1) Officer	A note of thanks was received for an officers assistance in locating a misplaced car.
(1) Officer	An officer was commended for his professionalism, knowledge, respect, calming influence and reassuring presence during a threatening and scary situation.
(3) Officers	Three reported stolen vehicles equipped with silent alarms were tracked and recovered within minutes of activation. Officers were commended for their quick response.
(1) Officer	An officer was recognized for his outstanding courage and excellent judgment in handling a suicidal subject. He gave clear and appropriate commands during this tense time resulting in the situation being resolved.
(1) Officer	A thank you noted was received for an officers help and compassion during a call on a deceased family member.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

January 2005 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant alleged the named employees used unnecessary force when they arrested him.	The evidence was conflicting as to whether the officer kicked the complainant behind the knee in order to get him on the ground for handcuffing, or whether the complainant went to his knees on his own. In any event, the complainant stated that the kick did not hurt, and was done in an effort to get him to the ground, and not with an intent to injure. Finding – NOT SUSTAINED.
Complainant alleged named employees used unnecessary force when they arrested him after eluding officers in a stolen car.	The evidence indicates that the complainant was exhibiting bizarre and violent behavior toward a female passenger, himself, and officers. Based on his actions and the report that he was armed with a gun, the amount of force used by officers was reasonable, appropriate, and necessary. The force was documented, screened, and reported. Finding – EXONERATED.
Complainant alleged the named employees used unnecessary force when they pepper sprayed him and slammed him to the ground following a foot pursuit.	Other than the complainant's original complaint, there is no evidence that supports the allegation that he was slammed to the ground. Both officers state the subject was verbally directed to the ground and no force was used. One employee used pepper spray because the complainant placed his hands in his front waistband during the foot pursuit. This was documented and reported. The screening supervisor stated that the subject admitted he tried to place some money down his pants. The complainant never mentioned anything about being slammed to the ground. He apologized for his actions to the supervisor and did not respond to OPA-IS requests for contact. Finding – EXONERATED.
Complainant alleged that the named employee used excessive force when he detained her son. She also alleged that the named employee failed to identify himself and falsified a statement about observing her son exit a stolen vehicle.	The allegations were thoroughly investigated. The named employee, while off duty and in plain clothes, observed the subject and another juvenile exit what he believed to be a stolen car. The employee called 911 and then attempted to detain the subjects until Kent police arrived. One subject escaped. The employee detained the other and struggled to keep him on the ground. The subject had no injuries other than scratches from the gravel on the ground. The employee documented and reported his use of force. The force used was reasonable and necessary. Finding – EXONERATED.

IMPROPER SEARCH

Synopsis	Action Taken
Complainant alleged the named employee conducted an improper search during a narcotics arrest. Complainant also alleged the named employee made derogatory comments and used profanity. She also alleged the named employee inappropriately walked into the room while she was being searched at the precinct by a female officer.	The improper search and the remarks allegedly occurred at the scene after the arrest. There were no other witnesses nearby at the time, and the named employee denies the allegations. The female officer and the named employee give consistent statements that support that the named employee did not witness any of the strip search. The complainant makes several improbable and inconsistent statements, and lied about her name and the narcotics. Her diminished credibility does not support the allegations. Finding as to Improper Search and Conduct Unbecoming – UNFOUNDED.

FAILURE TO APPEAR FOR COURT

Synopsis	Action Taken
The complainant, a victim of a DUI incident, alleged that the named employee failed to appear in court, causing the case to be dismissed.	The named employee had testified at a motions hearing, then had a conversation with the prosecutor about when he might be needed in court again. The prosecutor and the named employee gave different accounts of the conversation, but there is evidence to indicate there was miscommunication and a misunderstanding about when the employee needed to be available. The named employee had no previous instances of failing to appear. Finding – NOT SUSTAINED.

FAILURE TO TAKE APPROPRIATE ACTION

Synopsis	Action Taken
Complainant alleged the named officers failed to take appropriate action when they responded to a family disturbance call and did not complete an incident report documenting a mother's slap of her daughter.	The officers who responded to the call state that there was no evidence of an assault and the daughter denied any assault. They state the mother had admitted mental problems. However, the mother reported an assault in her 911 call, and she told her mental health professional that she had reported the assault to the police. There is not enough evidence to establish by a preponderance. Finding – NOT SUSTAINED. In addition, OPA forwarded the file to Patrol Operations for a review to determine how to better manage such calls.
Complainant alleged the named employee would not take a report after he told the employee he had been assaulted during an argument over the sale of a personal vehicle.	The facts were not in dispute. The named employee believed he did not need to take a report because the assault complained of consisted only of being grabbed by the shirt in a threatening manner. The officer was not rude, and explained his reasoning to the complainant. However, the officer should have documented the incident in some manner, per the complainant's request. Finding – SUPERVISORY INTERVENTION.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

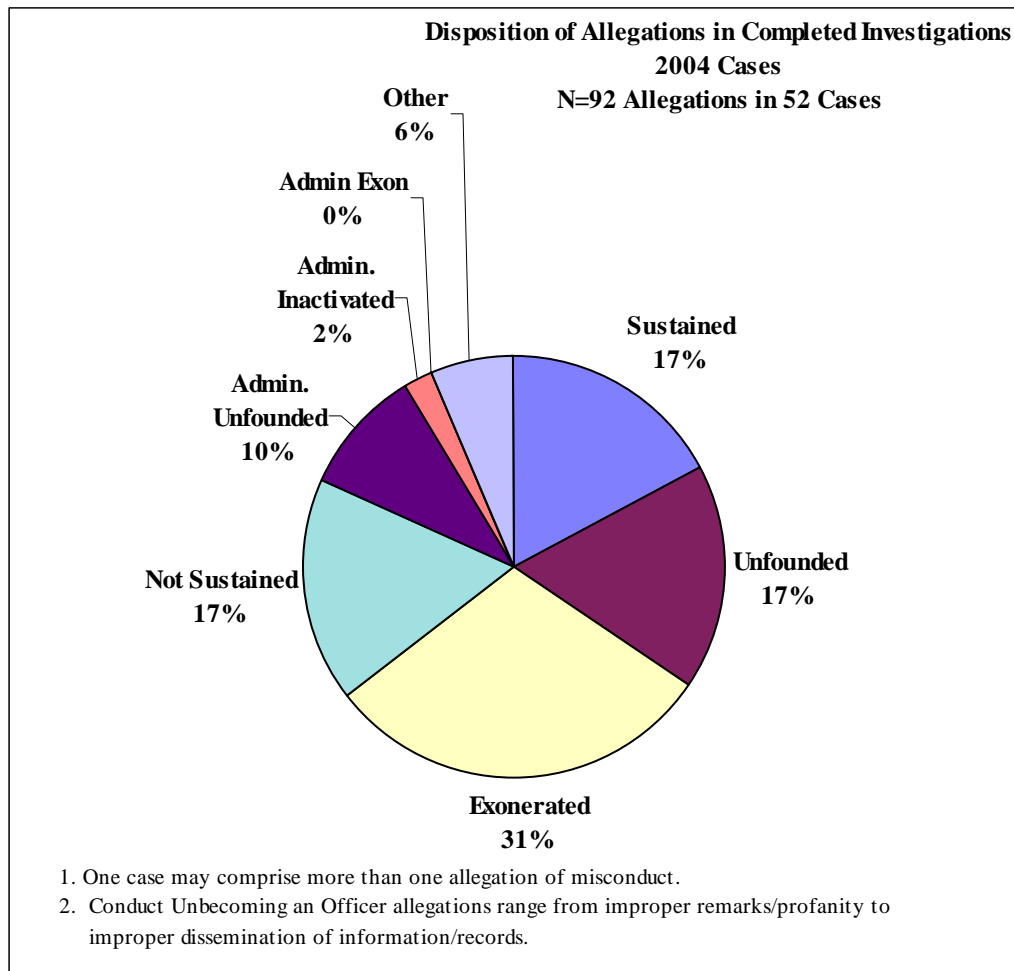
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:

2004 Contacts

	December 2004	Jan-Dec 2004
Preliminary Investigation Reports	8	242
Cases Assigned for Supervisory Review	2	50
Cases Assigned for Investigation (IS;LI)	9	188
Cases Closed	13	52
Commendations	41	702

*includes 2004 cases closed in 2005



2005 Contacts

	January 2005	Jan-Dec 2005
Preliminary Investigation Reports	18	18
Cases Assigned for Supervisory Review	5	5
Cases Assigned for Investigation (IS;LI)	21	21
Commendations	45	45